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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/040,560	03/18/1998	HIDEAKI SHINOTSUKA	SONY-8400	1970

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BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/30/2004

*20*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/040,560

Applicant(s)

SHINOTSUKA, HIDEAKI

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph because the claim(s) contains subject matter which was unclear as defined in the specification in such a way as to enable one skilled in the art to understand the invention.

- Amendment claim 1, line 7 refers to a “**network messenger**” for transmitting the messages generated by the object to a specified destination on the network... and line 9, refers to an “**information broadcasting device**” for broadcasting the messages generated by the object having unspecified destinations to the network...
  1. It is unclear how a “**network messenger**” differs from an “**information broadcasting device**” because both are within the information signal device and both transmit/broadcast messages generated by an object to the “same” network.

2. Furthermore, it is unclear how a “**network messenger**” could transmit messages generated by an object to a specified destination on the network and “**an information broadcasting device**” also could broadcast messages generated by the same object having unspecified destinations for broadcasting messages to the “same” network that the “**network messenger**” transmits messages.
3. How messages generated by an (one) object could be transmitted/broadcasted by a “**network messenger**” and an “**information broadcasting device**”?
4. Furthermore, it is unclear how messages generated by an object could have a specified destination and/or an unspecified destination.

- In amended claim 1, line 13 refers to “wherein the messages generated by the object are delivered without any discrimination by the object...”

It is unclear how messages generated by the object and are delivered without any discrimination by the “same” object that generates them?

- Amended Claims 2, 3 and 4 recite the limitation “**the broadcasting device**” in line 2. There is insufficient antecedent basis for this limitation in the claim.
- Amended Claim 2 claims “ wherein the **broadcasting device** broadcasts each message... and holds the broadcast messages and transmits the held messages in response to a transmission request from the event.”

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It is unclear how the event manager could request the “broadcasting device” to transmit the held messages in which the event manager, in claim 1, is for directing the messages generated by the object to destinations within and outside the information device.

- Amended claim 3, line 4 refers “... and request a sender of the broadcast message to retransmit the message...”

It is understood that the “broadcasting device” could receive/broadcast messages to/from the network. However, it is unclear how the “broadcasting device” could request a sender of the broadcast message to retransmit the message as claimed?

The following art rejection is applied to applicant claims as best understood in view of the 112 2<sup>nd</sup> paragraph rejection above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being unpatentable by Mano et al. (US 5793366).

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Regarding claim 1, Mano discloses an information signal device (a computer on which the GUI is displayed; Col. 4, lines 40-65+), connected to a network (IEEE-1394 serial bus; Fig. 1-4; Col. 4, lines 8-20), comprising:

As to "At least one object for generating messages concerning events occurring in the information signal device" is met Mano since the GUI allows user to activate commands/tasks (events) to corresponding devices, i.e. CD changer including Play, Pause, Stop commands.... Thus, Mano system must have at least an object for generating message events/commands in order to perform as disclosed in using a control device, i.e. remote control (Col. 6, lines 50-65+);

Mano further discloses an event manager (microprocessor or controller Fig. 5) for directing the messages (i.e., playback, recording message, printing...) generated by the object (not shown) to destination (corresponding playback or recording device) within and outside the information signal device (Col. 6, lines 50-65+); Moreover, it is inherent that data/message could be exchanged/delivered between components/objects within the device.

As to "a network messenger (NIC/1394) for transmitting the messages generated by the object (playback or recording message) to a specified destination (corresponding playback or recording device) on the network directed by the event manager (microprocessor or controller)" is met by Mano (Col. 7, lines 1-15) in which Mano must have a "network messenger" in order transmitting a command, i.e. "playback", generated by the GUI to a specified CD changer connected to the network and directed by the microprocessor or controller of Fig. 5.

As to "An information broadcasting device for broadcasting the messages generated by the object having unspecified destinations to the network as directed by the event manager (microprocessor or controller) and

Wherein the messages generated by the object are delivered without any discrimination by the object as to whether the destinations of the messages are outside or inside the information signal device by exchanging the messages with the event manager in a one-to-one communication" is met by Mano (Col. 7, lines 35-55) in which Mano must have "an information broadcasting device" for broadcasting signals/messages generated by a newly add/remove device to/from the network for indicating the status of "connected/not connected" to the network bus and wherein the message is communicated with the event manager (Mano's microprocessor) in a one-to-one communication (Col. 5, lines 6-45) so the graphical representation for that device is presented with corresponding icon (add/connect to the network) or grayed out (remove from the network).

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2. The patentability of claims 2-6 based on art has not been determined due to the extensive ambiguity.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

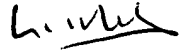
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HT:ht  
01/22/2004

  
VICTOR R. KOSTAK  
PRIMARY EXAMINER